THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8318 of 2007

Date: 20.04.2007

Between:

U.Venkat Reddy and others.

....Petitioners

And

The Wakf Board for State of A.P. and others.

....Respondents

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WRIT PETITION No.8318 of 2007

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O R D E R:

Petitioners claim to be in possession of various extents of land in Survey No.147 within the limits of Ongole Municipality. Their grievance is that the respondents are trying to evict them, without following the procedure prescribed by law. Petitioners assert that they are the absolute owners of the property and that the Wakf Board has no right over the same.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

The first petitioner states that he purchased an extent of 406 square yards of land, vide sale deed, dated 17.01.1986, and constructed a house thereon. Petitioners 2 and 3 submit that they are in possession of 203 square yards each and that their possession is certified by the Mandal Revenue Officer. Even assuming that the Wakf Board had any right or claim over the said land, the procedure prescribed under the Wakf Act has to be followed. The Wakf Act contemplates issuance of show

cause of notices to the concerned parties or even initiation of proceedings before the A.P.Wakf Tribunal, depending upon the facts and circumstances of the case. There cannot be any justification for the respondents to interfere with the possession of the petitioners, without initiating any proceedings.

Hence, the Writ Petition is disposed of, directing that the respondents shall not interfere or otherwise meddle with the possession of the petitioners over the property, referred to above, except by instituting the proceedings before the concerned Court or authority, in accordance with law. There shall be no order as to costs.

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20.04.2007

Note: Issue C.C. in three days.

(B/o)

JSU